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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. Case No. CR 18-577 CRB
)	
Plaintiff,)	UNITED STATES' MOTION TO STRIKE
)	TESTIMONY REGARDING TRIAL EXHIBIT
v.)	9872
)	
MICHAEL RICHARD LYNCH and STEPHEN)	
KEITH CHAMBERLAIN,)	
)	
Defendants.)	

The United States moves to strike Trial Exhibit 9872, its attachment, and the testimony of Dr. Michael Richard Lynch relating to that exhibit and its attachment.

On Tuesday, May 28, Dr. Lynch introduced and testified about Trial Exhibit 9872, which is an August 16, 2011 e-mail from Autonomy COO Andrew Kanter to the company's antitrust lawyers at Morgan Lewis. *See* Declaration of Zachary G.F. Abrahamson in Support of Motion to Strike Testimony Regarding Spreadsheet (filed herewith), Exhibit A (Trial Exhibit 9872). The e-mail attached a spreadsheet containing information about Autonomy's hardware sales and suggested that Autonomy in 2010 made over \$100 million in hardware sales. On direct examination, Dr. Lynch testified to the effect

1 that he thought the spreadsheet might have gone to HP as part of due diligence.

2 Dr. Lynch, through counsel, has spoken about this document before. In a June 25, 2019 letter
 3 related to civil proceedings in the United Kingdom, Dr. Lynch said that he initially “understood that the
 4 spreadsheets were sent to Autonomy’s advisors, Morgan Lewis, for onward submission to HP’s
 5 advisors.” *See* Abrahamson Decl., Ex. B (Trial Exhibit 17592). But Dr. Lynch then reviewed a
 6 statement from the e-mail’s recipient—Morgan Lewis lawyer Harry Robins—that “explain[ed] that
 7 these spreadsheets *were not* provided to HP’s advisors.” *Id.* at 2 (emphasis added). Dr. Lynch said that
 8 he “was not aware of that fact” when he provided a witness statement suggesting the contrary. *Id.* Dr.
 9 Lynch’s letter concluded that he had “no reason to dispute Mr Robins’ evidence” that the spreadsheets
 10 were *not* provided to HP. *Id.*

11 In light of Dr. Lynch’s prior statements regarding Trial Exhibit 9872, the exhibit, its attachment,
 12 and Dr. Lynch’s pertinent testimony should be stricken.

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 15 DATED: May 28, 2024

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